

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION - CINCINNATI

LORENZO WALKER,	:	Case No. 1:19-cv-233
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
WARDEN, CHILLICOTHE	:	
CORRECTIONAL INSTITUTION,	:	
	:	
Respondent.	:	

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ORDER OVERRULING OBJECTION (Doc. 12), ADOPTING REPORT AND  
RECOMMENDATION (Doc. 11), DENYING PETITION FOR WRIT OF HABEAS  
CORPUS (Doc. 3) WITH PREJUDICE, AND TERMINATING ACTION

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This case is before the Court upon the Report and Recommendation (the "Report") (Doc. 11) entered by United States Magistrate Judge Karen L. Litkovitz. In the Report, Magistrate Judge Litkovitz recommends that the Court deny with prejudice Petitioner Lorenzo Walker's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 3). Mr. Walker filed Objections (Doc. 12) to the Report, in response to to which the Respondent decline to file a reply. This matter is thus ripe for review.

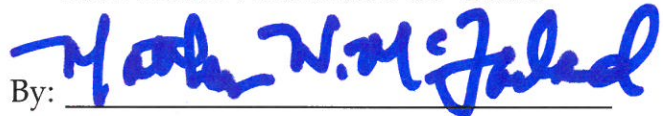
As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon said review, the Court finds that Mr. Walker's Objections are not well-taken and are accordingly **OVERRULED**. The Court **ADOPTS** the Report in its entirety and rules as follows:

1. The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 3) is **DENIED** with prejudice.

2. A certificate of appealability shall not issue with respect to the claims alleged in the petition, which have been addressed on the merits herein, because Petitioner has not stated a “viable claim of the denial of a constitutional right,” nor are the issues presented “adequate to deserve encouragement to proceed further.” *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). *See also* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).
3. With respect to any application by Petitioner to proceed on appeal *in forma pauperis*, the Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting this Report and Recommendation would not be taken in “good faith,” and, therefore, should DENY petitioner leave to appeal in forma pauperis upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).
4. This action is **TERMINATED** on the Court’s docket.

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND